

APPENDIX A**DEFENDANTS' SUMMARY CHART OF DOCUMENTS SUBMITTED BY SEC FOR *IN CAMERA* REVIEW**

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
1(A)	February 14, 2014 handwritten notes from Valerie Szczepanik re: meeting between SEC Commissioner and external parties including Prof. Joseph Grundfest.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Collection of information is not privileged.
1(B)	December 8, 2014 handwritten notes from Valerie Szczepanik re: meeting with FINRA.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.

* Claimed for first time in September 14, 2021 brief. ECF No. 351.

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
1(C)	June 20, 2017 handwritten notes from Valerie Szczepanik re: meeting with digital asset advocacy group.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Subsequent use in enforcement proceedings does not create work product protection. • Collection of information is not privileged.
1(D)	June 29, 2017 handwritten notes from Valerie Szczepanik re: meeting with digital asset advocacy group.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Subsequent use in enforcement proceedings does not create work product protection. • Collection of information is not privileged.

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
1(E)	December 13, 2017 handwritten notes from Valerie Szczepanik re: meeting with Consensys.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.
1(F)	April 6, 2018 handwritten notes from Valerie Szczepanik re: meeting with Prof. Christian Catalini.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.
1(G)	April 10, 2018 handwritten notes from Valerie Szczepanik re: meeting with CFTC.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
1(H)	April 6, 2018 handwritten notes from Michael Seaman re: meeting with Prof. Christian Catalini.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Collection of information is not privileged.
1(I)	April 23, 2018 handwritten notes from Michael Seaman re: meeting with Consensys.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Collection of information is not privileged.
1(J)	June 8, 2018 handwritten notes from Michael Seaman re: meeting with Consensys.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Collection of information is not privileged.

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
1(K)	June 24, 2016 handwritten notes from Michael Seaman re: meeting with Consensys.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.
1(L)	July 19, 2018 handwritten notes from Valerie Szczepanik re: meeting with CFTC.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.
1(M)	August 22, 2018 handwritten notes from Valerie Szczepanik re: meeting with CFTC.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
1(N)	August 28, 2018 handwritten notes from Valerie Szczepanik re: meeting with digital asset platform.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.
1(O)	September 18, 2018 handwritten notes from Michael Seaman re: meeting with Ripple.	<input checked="" type="checkbox"/> *		<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Failure to log other privileges constitutes waiver. • Collection of information is not privileged.
1(P)	November 28, 2018 handwritten notes from Valerie Szczepanik re: meeting with staff for Senator Tom Cotton.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Does not tie meeting or notes to a policy process or agency decision. • Communications with third parties are not privileged. • There is no unique privilege for handwritten notes. • Collection of information is not privileged.

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
1(Q)	August 2019 handwritten notes from Richard Gabbert re: meeting with SBI.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie meeting or notes to a policy process or agency decision. Communications with third parties are not privileged. There is no unique privilege for handwritten notes. Collection of information is not privileged.
2	June 13, 2018 email and attached memorandum from Office of Chief Counsel of the Division of Corporation Finance to staff of the Division of Enforcement re: legal analysis of XRP.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> *	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie memorandum to a policy process or agency decision. DPP applies to agency decisionmaking, not decisions of individual agency staff. Attorney-client privilege attaches only to confidential information concerning the SEC. Subsequent use in enforcement proceedings does not create work product protection. Failure to log other privileges constitutes waiver.
3	June 21, 2017 email chain between Valerie Szczepanik and staff from the U.S. Department of Treasury re: digital assets.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie email chain or attachments to a policy process or agency decision. Only insufficiently describes documents as “characterization and analysis of various activities in the digital asset space . . . in furtherance of overlapping regulatory activities.” ECF No. 351 at 11.

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
4	June 22, 2017 email chain between Valerie Szczepanik and staff from the U.S. Department of Treasury re: digital assets.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie email chain or attachments to a policy process or agency decision. Only insufficiently describes documents as “characterization and analysis of various activities in the digital asset space . . . in furtherance of overlapping regulatory activities.” ECF No. 351 at 11.
5	August 14, 2017 email chain between Valerie Szczepanik and staff from the U.S. Department of Treasury re: digital assets.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie email chain or attachments to a policy process or agency decision. Only insufficiently describes documents as “characterization and analysis of various activities in the digital asset space . . . in furtherance of overlapping regulatory activities.” ECF No. 351 at 11.
6	October 17, 2017 meeting invite and attached presentation from staff of the Division of Enforcement to the staff of the Division of Investment Management			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Does not tie redacted portions of presentation to a policy process or agency decision.
7	Document not submitted for <i>in camera</i> inspection.				

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
8	January 6, 2018 email from Valerie Szczepanik attaching presentation to SEC Commissioner re: digital assets.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • “Bitcoin & Blockchain” presentation not tied to any policy process or agency decision. • DPP applies to agency decisionmaking, not decisions of individual agency staff. • Attorney-client privilege attaches only to confidential information concerning the SEC.
9	June 5, 2018 email to SEC personnel attaching draft of Hinman Speech.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • The SEC asserts the speech reflected only personal views of Mr. Hinman, so it is not tied to any policy process or agency decision. • Contents of the speech are not an agency decision. • DPP applies to agency decisionmaking, not decisions of individual agency staff.
10	June 7, 2018 email from Treasury staff member to FSOC Working Group.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • “[C]onsider[ation] of issues related to digital assets” reflected in email not tied to policy process or agency decision.
11	October 25, 2018 email attaching draft presentation material for Director Bill Hinman.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Talking points and Q&A not tied to policy process or agency decision. • DPP applies to agency decisionmaking, not decisions of individual agency staff.
12	November 20, 2018 email attaching draft presentation material for SEC Chair.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Talking points and Q&A not tied to policy process or agency decision. • Contents of talking points and Q&A document are not an agency decision.
13	November 24, 2018 email attaching draft presentation material for SEC Chair.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Talking points and Q&A not tied to policy process or agency decision. • Contents of talking points and Q&A document are not an agency decision.

Entry	Document Description	Attorney Work Product	Attorney-Client Comm.	Deliberative Process Privilege	Defendants' Argument
14	November 24, 2018 email attaching draft presentation material for SEC Chair.			<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Talking points and Q&A not tied to policy process or agency decision. • Contents of talking points and Q&A document are not an agency decision.